

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JANUARY 5, 2000
7:00 P.M.**

1. ROLL CALL

Present: Council Members – Hitchcock, Land, Nakanishi, Pennino and Mann (Mayor)

Absent: Council Members – None

Also Present: City Manager Flynn, City Attorney Hays and City Clerk Reimche

Seated at the staff table were: Deputy City Manager Keeter, Public Works Director Prima,
Community Development Director Bartlam and Finance Director McAthie

Other staff members were seated in the audience.

2. INVOCATION

The invocation was given by Pastor Bruce Logue, Ham Lane Church of Christ.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Mann.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

- a) Mayor Mann presented the January Community Improvement Award to Raymond Hetzler, the owner/occupant of the residential property located at 811 South Pleasant Avenue.
- b) Theresa Yvonne, Arts Coordinator, updated the City Council on the many activities and accomplishments of the Lodi Arts Commission.
- c) Patty Radotic, Co-Chair of the Breakthrough Project, made a presentation to the City Council regarding the Breakthrough Project, Celebration of Unity. Mayor Mann presented a proclamation to Ms. Radotic proclaiming January 17, 2000 as "Racial and Ethnic Unity Day".

5. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Hitchcock, Nakanishi second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

- a) Claims were approved in the amount of \$5,412,946.91.
- b) The minutes of December 15, 1999 (Regular Meeting) were approved as written.
- c) Received the report of the sale of scrap metal to the sole bidder, B & G Machinery of Lodi, who paid \$3,339.58 for the following items:
 - Insulated Aluminum 9,130 lbs.
 - Bare and Insulated Copper 2,210 lbs.
 - Insulated Al/Concentric Copper 12,364 lbs.
 - Scrap Iron 1 lot

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- d) Authorized the sale of scrap wire and metal at periodic intervals during the calendar year 2000.
- e) Approved the specifications for eleven units of Padmount Liquid Insulated Vacuum Switchgear and authorized advertisement for bids. **(Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.)**
- f) Agenda item #E-6 entitled, "Award contract for Lodi Lake fishing dock, 1101 West Turner Road" was removed from the Consent Calendar and discussed and acted upon under the Regular Calendar.
- g) Adopted Resolution No. 2000-02 accepting the improvements under the Highway 12 – Kettleman Lane/Highway 99 Interchange Improvements contract, directed the City Engineer to file a Notice of Completion with the County Recorder's office and approved the installation of no-parking zones on the north side of Kettleman Lane, from the Highway 99 northbound ramp to 360 feet east of New Beckman Road; and on New Beckman Road, from Kettleman Lane to 1,600 feet north of Kettleman Lane.
- h) Accepted the improvements under the Elm Street Reconstruction and Bike Lane Striping, Hutchins Street to Lower Sacramento Road contract; directed the City Engineer to file a Notice of Completion with the County Recorder's office; and appropriated funds according to staff recommendation.
- i) Accepted a donated U.S. Military surplus pickup truck to be equipped as a Bomb Squad response vehicle, replacing their existing SUV.
- j) Accepted the donation of a 1990 Ford F700 armored truck from Armored Transport of California, Inc. (The truck would be assigned to the Lodi Police Department SWAT Team, and would be used as a hostage rescue and tactical operations vehicle.
- k) Agenda item #E-11 entitled, "Establish Residential All-Electric Rate Schedules (new)" was pulled from the agenda pursuant to staff's request.
- l) Agenda item #E-12 entitled, "Resolution to support the passage of Proposition 12, the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act of 2000" was removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.
- m) Authorized the City Manager to enter into a Reimbursement Agreement with G-REM Inc., for the City's share of the West Side Facility Master Plan. This action will allow the City of Lodi to reimburse G-REM, Inc. (Geweke Properties) for consultant costs associated to the West Side Public Facility Master Plan. **(Due to a conflict of interest, Mayor Mann abstained from discussion and voting on this matter.)**

6. ACTION ON ITEM REMOVED FROM THE CONSENT CALENDAR

- a) Agenda item #E-12 entitled, "Resolution to support the passage of Proposition 12, the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act of 2000".

Council Member Nakanishi removed this item from the Consent Calendar in order to request that a report be given on the subject.

Parks and Recreation Director Williamson reported that Proposition 12 (AB 18) will provide to the City of Lodi roughly \$500,000 for the acquisition, development, rehabilitation, and restoration of real property for park purposes in it's Per Capita I and

Per Capita II programs. In addition, funds will be made available for competitive grants (Robert-Z'berg-Harris program) that can be used for infrequent refurbishing or innovative recreation programs that meet otherwise unmet needs.

Governor Gray Davis signed AB 18 in September. Citizens will vote on the proposition on the March 7, 2000 ballot, which needs only a simple majority to pass.

The City Council was reminded that the City's list of deferred maintenance and general projects is long. This proposition could be a major boost to getting these projects completed.

Parks and Recreation Director Williamson also read the following report from the California Taxpayers' Association regarding the fiscal impacts of Proposition 12.

"The California Taxpayers' Association (Cal-Tax) supports Proposition 12, the Parks, Water, and Coastal Protection Bond Act on the March 7, 2000 ballot. This bond would provide \$2.1 billion in funding for needed improvements to local and state parks and conservation projects. Cal-Tax endorses Proposition 12 because it is fiscally responsible, it does not raise taxes, and it pays for projects that are important for all Californians.

Parks are an important component of California's quality of life. Eleven years have passed since the last state bond funds were approved for park improvements. State general obligation bonds like Proposition 12 do not cause a tax increase. Payments on the bond will be made over 20 to 25 years from existing revenues in the state general fund. The passage of a bond merely commits the Legislature to make these bond payments one of their highest budget priorities as they allocate funds. Proposition 12 will require about \$140 million a year in debt payments – this is about 0.2 percent of next year's projected general fund budget. This small fraction is a reasonable amount to pay for investing in important facilities that will benefit future generations. It is important that California fund these types of projects while the economy and the state budget are strong."

Council Member Nakanishi voiced his opposition to the issuance of more bonds, particularly when the State has a surplus of funds.

Following further discussion, the City Council, on motion of Council Member Land, Hitchcock second, adopted Resolution No. 2000-03 entitled, "A Resolution Of The Lodi City Council In Support Of Safe Neighborhood Parks, Clean Water, Clean Air, And Coastal Protection Bond Act Of 2000 (Proposition 12)" by the following vote:

Ayes: Council Members – Hitchcock, Land, Pennino and Mann (Mayor)

Noes: Council Members – Nakanishi

Absent: Council Members – None

7. PUBLIC HEARINGS

None.

8. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City's Risk Manager and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Council Member Pennino, Hitchcock second, unanimously rejected the following claims:

1. Nola Butler, date of loss 10/16/99
2. Angela Gaubay, date of loss 7/26/99
3. Carole Ruff, date of loss 11/4/99
4. Jeannette Weyand, date of loss 7/3/99

b) The following report was presented to the City Council:

1. Planning Commission report of December 8, 1999

9. REGULAR CALENDAR

a) Agenda item #H-1 (*previously #E-6 on the Consent Calendar*) entitled, "Award contract for Lodi Lake fishing dock, 1101 Turner Road".

Public Works Director Prima reported that this project is part of the approved master plan for the south side of Lodi Lake. This facility will provide the physically impaired access to fishing as well as access to the interpretive boat tours. The project was approved by the Parks and Recreation Commission at its November 4, 1997 meeting.

Bids for this project were opened on November 3, 1999, and a recommendation to award the contract was presented at the December 15, 1999 Council meeting. At the December 15 Council meeting, GTS Construction, the apparent low bidder, asked Council to reject its bid because its concrete subcontractor was not willing to do the concrete work for the price they had quoted to GTS during the bidding. The concrete subcontractor presented GTS Construction with a very low bid for the concrete work and they did not allow for any contingencies in the event shoring was needed to support the caisson excavations. A preconstruction meeting had been held with GTS Construction on December 7, 1999. At that meeting, staff expressed its uncertainty about the stability of the lake bottom and emphasized that the City would not issue a contract change order should additional costs be incurred in supporting the caisson excavations. Council tabled the award of the contract until the January 5, 2000 meeting.

The delay in awarding the contract has created an opportunity for GTS Construction to withdraw its bid proposal. The specifications for this project stated that the City would award a contract within 45 days of the bid opening. The December 15 meeting was held 42 days after the bid opening and the January 5 Council meeting will be held 63 days after the bid opening. After the December 15 Council meeting, staff sent a fax to all the bidders asking whether they would be willing to extend their bid proposal prices for an additional 45 days. GTS Construction returned a negative response and H. Max Lee conditioned his response by agreeing to hold his bid prices for 65 days from the bid opening. The three other bidders returned a positive response and are willing to accept a contract award within 90 days of the bid opening.

Hetzler Construction, of Lodi, is now the apparent low bidder. Mr. Raymond Hetzler has met with City staff and reviewed the project. His main concern is the weather and his ability to pour the concrete caissons before the lake is filled in March. If we continue to have dry weather, Mr. Hetzler feels that he can complete the caisson work. Hetzler Construction's bid for the caisson work is more than twice that of GTS Construction's bid (\$37,713.00 as compared to \$17,875.01).

The fishing dock project was bid with optional bid items because staff was concerned that there would be insufficient funds to build the entire dock. The original budget for this project is \$81,000.00 (\$53,000.00 of Community Development Block Grant funds and \$28,000.00 from Parks and Recreation Capital Improvement funds). Staff recommended that \$11,000.00 of the Parks and Recreation Capital funds for the Lodi Lake Beach Area Parking Lot Improvements be used to fund the balance of the fishing dock project. This will construct the entire fishing dock with the option bid items included.

Plans and specifications for this project were approved on November 19, 1997. The City received the following five bids for this project:

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Bidder	Location	Base Bid + Option Bid Items
Engineer's Estimate		\$ 92,420.50
Hetzler Construction	Lodi	\$ 87,513.00
Barham Inc.	Ceres	\$108,500.00
Diede Construction	Woodbridge	\$142,303.00
H. Max Lee	Lodi	\$150,556.00

(GTS Construction, of Galt, submitted a bid of \$76,061.37, but did not want the City to use its bid proposal prices more than 45 days past the bid opening date.)

Following discussion, with questions being posed by the Council to the Public Works Director, the City Council, on motion of Council Member Pennino, Hitchcock second, unanimously adopted Resolution No. 2000-01 awarding the contract for Lodi Lake fishing dock, 1101 West Turner Road to Hetzler Construction, of Lodi, in the amount of \$87,513.00 (base bid plus option bid items A through E) and appropriated funds in accordance with staff recommendation.

- b) Agenda item #H-2 (previously #H-1 on the Regular Calendar) entitled, "Report to Council on Financial Audit for Fiscal Year 1998-99".

Finance Director McAthie reported that the annual audit was conducted to reassure the City Council and other interested parties that the City's financial records and reports are prepared in accordance with generally accepted accounting principles (GAAP), that internal controls are adequate to safeguard the City against loss from unauthorized use or disposition of assets and that the City has complied with all agreements and covenants to obtain grant funds and debt financing. KPMG LLP has issued an "unqualified opinion".

The reports will be provided to Federal and State oversight agencies, bond trustees and insurance companies for their review and evaluation. Copies of the reports are provided to the City Council and also available to the public by contacting the Finance Department Accounting Manager or at the Lodi Public Library for reference.

Certificate of Achievement

The City received a Certificate of Achievement for Excellence in Reporting from the Government Finance Officers Association (GFOA) and the California Society of Municipal Finance Officers (CSMFO) for the sixth year in a row.

Acknowledgments

The Accounting staff of the Finance Department must be commended for their hard work and professionalism in preparing the City's Annual Financial Reports. It is due to their dedication to excellence and to the City that made Lodi recognized by the auditors and other professional financial organizations. Finance Director McAthie congratulated Ruby Paiste, Accounting Manager, and Cory Wadlow, Accountant I, for their hard work and efforts, and introduced Odette Lourdes Bondoc with the Finance Department.

Bill Foster, Senior Manager of KPMG, presented a brief introduction of the financial audit for fiscal year 1998-99.

Following a brief discussion, the City Council determined this matter would be reviewed in greater detail at a future Shirtsleeve Session.

10. ORDINANCES

- a) Ordinance No. 1686 entitled, "An Ordinance Of The Lodi City Council Amending Lodi Municipal Code Title 17 – Zoning, By Adding Chapter 17.73, Relating To Live Entertainment Permits" having been introduced at a regular meeting of the Lodi City Council held December 15, 1999 was brought up for passage on motion of Council Member Land, Nakanishi second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members – Hitchcock, Land, Nakanishi and Mann (Mayor)
Noes: Council Members – Pennino
Absent: Council Members – None

11. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Don Lindsay, a local truck driver, 384 Valley Avenue, Lodi, stated that since the recent passage of the ordinance restricting the parking of trucks in Lodi, he no longer feels welcome in his own community. Mr. Lindsay indicated that when he receives an assignment, he has only a certain period of time to complete the task. He talked about the difficulties facing truck drivers and the impact this type of ordinance has on them. Mr. Lindsay stated that the last time he spoke, he challenged Council Members to visit a local truck stop to see how crowded it is. He commented that the proposed area for truckers to park their vehicles is not adequate. He suggested that the City establish truck routes and then allow trucks to park in those areas.

Mayor Pro Tempore Nakanishi stated that at the meeting when this was last discussed, he had volunteered to work with truckers regarding their concerns, but as of this date he had not been contacted by anyone. He again offered to help and stated that he would like to talk further with Mr. Lindsay.

12. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Council Member Land applauded the Year 2000 Steering Committee for the outstanding December 31, 1999 event and stated that the fireworks show was awesome. Council Member Land also stated that he has received many favorable comments about the event and that he feels the City of Lodi was the only City that provided a year-end celebration program for kids.
- b) Council Member Hitchcock indicated that she had previously asked that a review be made of development impact fees and asked about the status of the request. Public Works Director Prima responded that updating the impact fees was one of the items included in this year's budget. Mr. Prima further stated that because of a change in the City's financial statements and the conversion to J.D. Edwards, it had slowed the process, but that he felt this would be coming to the City Council in the next quarter.
- c) Mayor Mann stated that he would like to see the City go forward with the development of a skateboard park and that he would like to impanel a group of local youngster to work with staff on this. A brief discussion followed with a concern being expressed regarding the City's liability as it pertained to a skateboard park.
- d) Council Member Pennino added that he would like to see a member of the City's Greater Lodi Area Youth Commission be a part of the appointed panel regarding a skateboard park. The City Council tacitly concurred with the Mayor's recommendation concerning this matter.

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- e) City Manager Flynn announced that City Clerk Reimche will be celebrating her birthday on January 11th.

City Manager Flynn also applauded the year-end event and stated that he would like to start planning for a like event for December 31, 2000.

Finally, City Manager Flynn praised City staff on the operation of the City's Emergency Operations Center (EOC) on December 31, 1999, which was in operation from approximately 6:00 p.m. to 2:00 a.m., January 1, 2000. Mr. Flynn reported that all those involved did a great job.

13. CLOSED SESSION

Mayor Mann adjourned the City Council meeting at approximately 8:00 p.m. to a Closed Session to discuss the following matter:

- a) Prospective acquisition of real property located 2360 West Century Boulevard, Lodi, for the G-Basin DeBenedetti Park Expansion, APN #058-230-02; the negotiating parties are City of Lodi and Delmar Batch; Government Code §54956.8

14. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at approximately 8:32 p.m., and disclosed that there was no final action taken in this matter.

15. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at approximately 8:32 p.m.

ATTEST:

Alice M. Reimche
City Clerk